

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
U.F. et al.	:
	:
Plaintiffs,	:
	:
-against-	:
	:
NEW YORK CITY DEPARTMENT OF	:
EDUCATION	:
	:
Defendant.	:
	:
-----X	

22 Civ. 7052 (LGS)

ORDER

LORNA G. SCHOFIELD, United States District Judge:

WHEREAS, on January 9, 2023, Plaintiff U.F. filed a motion for summary judgement in this matter. On February 9, 2023, Defendant New York City Department of Education filed a memorandum of law in opposition to the motion for summary judgement, to which Plaintiff filed a reply on February 17, 2023.

WHEREAS, on April 5, 2023, Defendant filed a letter motion to stay this matter pending the Second Circuit’s decision in the Cuddy Law Firm’s *in tandem* appeal, *H.C. v. New York City Department of Education.*, No. 21-1582 (2d Cir.). Oral argument in *H.C.* is scheduled for May 1, 2023, at 10:00 A.M.

WHEREAS, the present case implicates numerous of the issues on review by the Second Circuit in *H.C.*, including appropriate hourly rates for attorneys, and the reasonableness of their asserted hours.

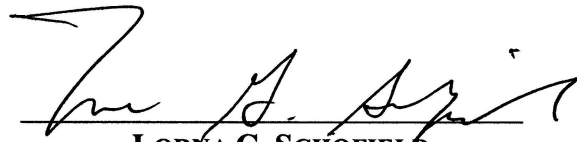
WHEREAS, Judges Cronan, Engelmayer and Moses have granted Defendant’s motions for a stay in several similar actions currently pending in the United States District Court for the Southern District of New York. *See M.B. v. N.Y.C. Dep’t of Educ.*, 22-cv-6405(JPC); *T.P. v. N.Y.C. Dep’t of Educ.*, 22-cv-9413 (PAE); *S.M. v. N.Y.C. Dep’t of Educ.*, 22-cv-7051(VEC)(BCM).

WHEREAS, a ruling from the Second Circuit in *H.C.* is likely to establish the standard that would govern an award of attorneys' fees in this case, and in any appeal that may follow. A stay is therefore in the interests of judicial economy and will promote efficient use of the parties' resources. It is hereby

ORDERED that Plaintiff's motion for summary judgment is denied without prejudice to renewal. It is further

ORDERED that this matter is stayed. The parties shall file a joint status letter within two weeks of the Second Circuit's decision in *H.C.* The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 18 and 36.

DATED: April 18, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE